

A public hearing will be conducted at 10:00 A.M Monday, March 18, 2013 in Room 1051 of the Landon State Office Building , 900 SW Jackson, Topeka, to consider the adoption of proposed changes in five existing rules and regulations relating to the continuing nursing education and IV therapy. The continuing nursing education proposed changes include decreasing the minimum time 30 minutes that can be computed towards a contact hour. The IV therapy proposed changes include clarifying language of the scope of practice for licensed practical nurses performing IV therapy. All interested parties may submit written comments prior to the hearing to the Executive Administrator of the Board of Nursing, Room 1051 Landon State Office Building, 900 S.W. Jackson, Topeka, Ks. 66612. All interested parties will be given a reasonable opportunity to present their views, orally or in writing, concerning the adoption of the proposed regulations during the hearing. Phone comments will be taken by calling 1-877-278-8686 (access code 135621) at 10:00 A.M. the day of the hearing. In order to give all persons the opportunity to present their views, it may be necessary to request each participant to limit any oral presentations to five minutes. A summary of the proposed regulations and the economic impact follows.

K.A.R. 60-9-105. Definition. The proposed changes clarify language and allow the Registered Nurse and Licensed Practical Nurse to use 30 minutes to be computed towards a contact hour. This is a decrease from one contact hour being the minimum to 30 minutes. There is no economic impact for the State Board of Nursing, other governmental entities, private business, or individuals.

K.A.R. 60-9-106. Continuing nursing education for license renewal. The proposed changes clarify language and allow the Registered Nurse and Licensed Practical Nurse to use 30 minutes to be computed towards a contact hour. This is a decrease from one contact hour being the minimum to 30 minutes. There is no economic impact for the State Board of Nursing, other governmental entities, private business, or individuals.

K.A.R. 60-9-107. Approval of continuing nursing education. The proposed changes clarify language and add the requirement that providers list APRN if the course is approved for APRN continuing nursing education. It also allows the Registered Nurse and Licensed Practical Nurse to use 30 minutes to be computed towards a contact hour. There is no economic impact for the State Board of Nursing, other governmental entities, private business, or individuals.

K.A.R. 60-12-106. License Renewal. The proposed changes clarify language and allow the License Mental Health Technician to use 30 minutes to be computed towards a contact hour. This is a decrease from one contact hour being the minimum to 30 minutes. There is no economic impact for the State Board of Nursing, other governmental entities, private business, or individuals.

K.A.R. 60-16-102. Scope of practice for licensed practical nurse performing intravenous fluid therapy. The proposed language changes deletes "or solutions" which clarifies that the Licensed Practical Nurse may administer IV solutions. There is no economic impact for the State Board of Nursing, other governmental entities, private business, or individuals.

A copy of each of the proposed regulations and associated economic impact statement may be obtained by accessing the Kansas State Board of Nursing web site at www.ksbn.org or by contacting the Executive Administrator at the State Board of Nursing, Suite 1051, Landon State Office Building, 900 SW Jackson, Topeka, KS. 66612 or call (785) 296-3350, prior to the date of hearing.

Any individual with a disability may request accommodations in order to participate in the public hearing and may request the proposed regulations and economic impact statements in an accessible format. Requests for accommodations should be made at least five working days in advanced of the hearing by contacting the State Board of Nursing.

Mary Blubaugh MSN, RN
Executive Administrator



Economic Impact

K.A.R. 60-9-105, 60-9-106, 60-9-107, 60-12-106, and 60-16-102

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60-9-105. Definitions. (a) "Approval" means the act of determining that a providership application or course offering meets applicable standards based on review of either the total program or the individual offering.

(b) "Approved provider" means a person, organization, or institution that is approved by the board and is responsible for the development, administration, and evaluation of the continuing nursing education (CNE) program or offering.

(c) "Authorship" means a person's development of a manuscript for print or a professional paper for presentation. Each page of text, that meets the definition of nursing education, as defined in K.S.A. 65-1117 and amendments thereto, and is formatted according to the American psychological association's guidelines, shall equal three contact hours.

(1) Authorship of a manuscript means a person's development of an original manuscript for a journal article or text accepted by a publisher for statewide or national distribution on a subject related to nursing or health care. Proof of acceptance from the editor or the published work shall be deemed verification of this type of credit. Credit shall be awarded only once per topic per renewal period.

(2) Authorship of a professional research paper means a person's completion of a nursing research project as principal investigator, co-investigator, or project director and presentation to other health professionals. A program brochure, course syllabus, or letter from the offering provider identifying the person as a presenter shall be deemed verification of this type of credit. Credit shall be awarded only once each renewal period.

(d) "Behavioral objectives" means the intended outcome of instruction stated as measurable ~~learner~~ learning behaviors.

(e) "Certificate" means a document that is proof of completion of an offering consisting of one or more contact hours.

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(f) "CE transcript" means a document that is proof of completion of one or more continuing nursing education CNE offerings.

(g) "Clinical hours" means planned learning experiences in a clinical setting. Three clinical hours equal one contact hour.

(h) "College course" means a class taken through a college or university, as described in K.S.A. 65-1119 and amendments thereto, and meeting the definition of CNE in K.S.A. 65-1117, and amendments thereto. One college credit hour equals 15 contact hours.

(i) "Computer-based instruction" means a learning application that provides computer control to solve an instructional problem or to facilitate an instructional opportunity.

(j) "Contact hour" means 50 total minutes of participation in a learning experience that meets the definition of CNE in K.S.A. 65-1117, and amendments thereto.

(k) "Distance learning" means the acquisition of knowledge and skills through information and instruction, ~~encompassing~~ delivered by means of a variety of technologies.


(l) "Independent study" means a self-paced learning activity undertaken by the participant in an unstructured setting under the guidance of and monitored by an approved provider. This term may include self-study programs, distance learning, and authorship.

(m) "Individual offering approval ~~(IOA)~~" ~~means~~ and "IOA" mean a request for approval of an education offering meeting the definition of CNE, as defined in K.S.A. 65-1117 and amendments thereto, but not presented by an approved provider or other acceptable approving body, as described in K.S.A. 65-1119 and amendments thereto.

(n) "In-service education" and "on-the-job training" mean learning activities in the work setting designed to assist the individual in fulfilling job responsibilities. In-service education and on-the-job training shall not be eligible for CNE credit.

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(o) "Offering" means a single CNE learning experience designed to enhance knowledge, skills, and attitudes professionalism related to nursing. Each offering shall consist of at least ~~one contact hour~~ 30 minutes to be computed towards a contact hour.

(p) "Orientation" means formal or informal instruction designed to acquaint employees with the institution and the position. Orientation shall not be considered CNE.


(q) "Program" means ~~an organized effort~~ a plan to achieve overall CNE goals.

(r) "Refresher course" means a course of study providing review of basic preparation and current developments in nursing practice.

(s) "Total program evaluation" means a systematic process by which an approved provider analyzes outcomes of the overall ~~continuing nursing education~~ CNE program in order to make subsequent decisions. (Authorized by and implementing K.S.A. ~~2007~~ 2011 Supp. 65-1117; and K.S.A. 65-1119; ~~and K.S.A. 65-4203; implementing K.S.A. 2007 Supp. 65-1117, K.S.A. 65-1119, and K.S.A. 2007 Supp. 65-4205; effective Sept. 2, 1991; amended March 9, 1992; amended April 26, 1993; amended April 3, 1998; amended April 20, 2001; amended Oct. 25, 2002; amended March 6, 2009; amended P-~~
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60-9-106. Continuing nursing education for license renewal. (a) At the time of license renewal, each ~~any~~ licensee ~~shall~~ may be required to submit proof of completion of 30 contact hours of approved continuing nursing education (CNE). This proof shall be documented as ~~specified on the renewal notice~~ and shall include the following follows:

- (1) ~~(A)~~ Name of CNE offering or college course;
- (2) ~~(B)~~ provider name or name of the accrediting organization;
- (3) ~~(C)~~ provider number or number of the accrediting organization, if applicable;
- (4) ~~(D)~~ offering date; and
- (5) ~~(E)~~ number of contact hours; or
- (2) approved IOA.

(b) The required 30 contact hours of approved CNE shall have been completed during the most recent prior licensing period. Contact hours accumulated in excess of the 30-hour requirement shall not be carried over to the next renewal period.

(c) Acceptable ~~continuing nursing education~~ CNE may include any of the following:

- (1) An offering presented by an approved long-term or single provider;
- (2) an offering as designated in K.S.A. 65-1119(e), and amendments thereto;
- (3) an offering for which a licensee has submitted an individual offering approval (IOA). Before licensure renewal, the licensee may submit an application for an IOA to the board, accompanied by the following:

- (A) An agenda with behavioral objectives describing learning outcomes; and
- (B) official documentation of earned contact hours;
- (4) a maximum of 15 contact hours for the first-time preparation and presentation as an instructor of an approved offering to licensed nurses ~~or mental health technicians~~. Two contact hours of instructor credit shall be granted for each hour of presentation;

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(5) an offering utilizing a board-approved curriculum developed by the American heart association, emergency nurses association, or Mandt, which may include the following:

- (A) Advanced cardiac life support;
- (B) emergency nursing pediatric course;
- (C) pediatric advanced life support;
- (D) trauma nurse core course;
- (E) neonatal resuscitation program; or
- (F) Mandt program;
- (6) independent study;
- (7) distance learning offerings;
- (8) a board-approved refresher course;

(9) participation as a member of a nursing organization board of directors or the state board of nursing, including participation as a member of a committee reporting to the board. The maximum number of allowable ~~continuing education~~ contact hours shall be six and shall not exceed three contact hours each year. A letter from an officer of the board confirming the dates of participation shall be accepted as documentation of this type of ~~continuing nursing education~~ CNE; or

(10) any college courses in science, psychology, sociology, or statistics that are prerequisites for a nursing degree.

(d) Fractions of ~~contact~~ hours over ~~one contact hour~~ 30 minutes to be computed towards a contact hour shall be accepted.

(e) Contact hours shall not be recognized by the board for any of the following:


- (1) Identical offerings completed within a renewal period;

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(2) offerings containing the same content as courses that are part of basic preparation at the level of current licensure or certification;

(3) in-service education, on-the-job training, orientation, and institution-specific courses;

(4) an incomplete or failed college course or any college course in literature and composition, public speaking, basic math, algebra, humanities, or other general education requirements unless the course meets the definition of CNE; or

(5) offerings less than ~~one contact hour~~ 30 minutes in length. (Authorized by and implementing K.S.A. 2011 Supp. 65-1117; effective Sept. 2, 1991; amended April 3, 1998; amended April 20, 2001; amended July 20, 2007; amended P-_____.)

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60-9-107. Approval of continuing nursing education. (a) Offerings of approved providers shall be recognized by the board.

(1) Long-term provider. A completed application for initial approval or five-year renewal for a long-term continuing nursing education (CNE) providership shall be submitted to the board at least 60 days before a scheduled board meeting.

(2) Single offering provider. The application for a single CNE offering shall be submitted to the board at least 30 days before the anticipated date of the first offering.

(b) Each applicant shall include the following information on the application:

(1) (A) The name and address of the organization; and

(B) the name and address of the department or unit within the organization responsible for approving CNE, if different from the name and address of the organization;

(2) the name, education, and experience of the program coordinator responsible for CNE, as specified in subsection (c);

(3) written policies and procedures, including at least the following areas:

(A) Assessing the need and planning for CNE activities;

(B) fee assessment;


(C) advertisements or offering announcements. Published information shall contain the following statement: "(name of provider) is approved as a provider of ~~continuing nursing education~~ CNE by the Kansas State Board of Nursing. This course offering is approved for contact hours applicable for APRN, RN, or LPN, ~~or LMHT~~ relicensure. Kansas State Board of Nursing provider number: _____";

(D) for long-term providers, the offering approval process as specified in subsection (d);

(E) awarding contact hours, as specified in subsection (e);

(F) verifying participation and successful completion of the offering, as specified in subsections (f) and (g);

(G) recordkeeping and record storage, as specified in subsection (h);

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(H) notice of change of coordinator or required policies and procedures. The program coordinator shall notify the board in writing of any change of the individual responsible for the providership or required policies and procedures within 30 days; and

(I) for long-term providers, a copy of the total program evaluation plan; and

(4) the proposed ~~continuing nursing education~~ CNE offering, as specified in subsection (i).

(c) (1) Long-term provider. The ~~individual responsible~~ program coordinator for CNE shall meet these requirements:

(A) Be a licensed professional nurse;

(B) have three years of clinical experience;

(C) have one year of experience in developing and implementing nursing education; and

(D) have a baccalaureate degree in nursing, except those individuals exempted under K.S.A. 65-1119

(e)(6); and amendments thereto.

(2) Single offering provider. If the offering program coordinator is not a nurse, the applicant shall also include the name, education, and experience of the nurse consultant. The individual responsible for CNE or the nurse consultant shall meet these requirements:

(A) Be licensed to practice nursing; and

(B) have three years of clinical experience.

(d) For long-term providers, the policies and procedures for the offering approval process shall include the following:

(1) A summary of the planning;

(2) the behavioral objectives;

(3) the content, which shall meet the definition of CNE in K.S.A. 65-1117, and amendments thereto;

(4) the instructor's education and experience, documenting knowledge and expertise in the content area;

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(5) a current bibliography that is reflective of the offering content. The bibliography shall include books published within the past 10 years, periodicals published within the past five years, or both; and

(6) an offering evaluation that includes each participant's assessment of the following:

(A) The achievement of each objective; and

(B) the expertise of each individual presenter.

(e) An approved provider may award any of the following:

(1) Contact hours as documented on an offering agenda for the actual time attended, including partial credit for one or more contact hours;

(2) credit for fractions of hours over ~~one contact hour~~ 30 minutes to be computed towards a contact hour;

(3) instructor credit, which shall be ~~two contact hours for each hour~~ twice the length of the first-time preparation and presentation of an approved offering, excluding any standardized, prepared curriculum;

(4) independent study credit that is based on the time required to complete the offering, as documented by the provider's pilot test results; or

(5) clinical hours.

(f) (1) Each provider shall maintain documentation to verify that each participant attended the offering.

The provider shall require each participant to sign a daily roster, which shall contain the following information:

(A) The provider's name, address, provider number, and coordinator;

(B) the date and title of the offering, and the presenter or presenters; and

(C) the participant's name and license number, and the number of contact hours awarded.

(2) Each provider shall maintain documentation to verify completion of each independent study offering, if applicable. To verify completion of an independent study offering, the provider shall maintain documentation that includes the following:

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- (A) The provider's name, address, provider number, and coordinator;
 - (B) the participant's name and license number, and the number of contact hours awarded;
 - (C) the title of the offering;
 - (D) the date on which the offering was completed; and
 - (E) either the completion of a posttest or a return demonstration.
- (g) (1) A certificate of attendance shall be awarded to each participant after completion of an offering, or a CE transcript shall be provided according to the policies and procedures of the long-term provider.
- (2) Each certificate and each CE transcript shall be complete before distribution to the participant.
 - (3) Each certificate and each CE transcript shall contain the following information:
 - (A) The provider's name, address, and provider number;
 - (B) the title of the offering;
 - (C) the date or dates of attendance or completion;
 - (D) the number of contact hours awarded and, if applicable, the designation of any independent study or instructor contact hours awarded;
 - (E) the signature of the individual responsible for the providership; and
 - (F) the name and license number of the participant.
 - (h) (1) For each offering, the approved provider shall retain the following for two years:
 - (A) A summary of the planning;
 - (B) a copy of the offering announcement or brochure;
 - (C) the title and objectives;
 - (D) the offering agenda or, for independent study, pilot test results;
 - (E) a bibliography;
 - (F) a summary of the participants' evaluations;
 - (G) each instructor's education and experience; and

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(H) documentation to verify completion of the offering, as specified in subsection (f).

(2) The record storage system used shall ensure confidentiality and easy retrieval of records by authorized individuals.

(3) Each approved single offering CNE provider shall submit to the board the original signature roster and a typed, alphabetized roster of individuals who have completed an offering, within 15 working days of course completion.

(i) (1) Long-term provider application. The provider shall submit two proposed offerings, including the following:

(A) A summary of planning;

(B) a copy of the offering announcement or brochure;

(C) the title and behavioral objectives;

(D) the offering agenda or, for independent study, pilot test results;

(E) each instructor's education and experience;

(F) a current bibliography, as specified in paragraph (d)(5); and

(G) the offering evaluation form.

(2) Single offering provider application. The provider shall submit the proposed offering, which shall include the information specified in paragraphs (i)(1)(A) through (G).

(j) (1) Long-term provider application. Each prospective coordinator who has submitted an application for a long-term CNE providership that has been reviewed once and found deficient, or has approval pending, shall submit all materials required by this regulation at least two weeks before the next board meeting. If the application does not meet all of the requirements or the prospective coordinator does not contact the board for an extension on or before this deadline, the application process shall be considered abandoned. A new application and fee shall be submitted if a providership is still desired.

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(2) Single offering approval application. If the application for a single offering has been reviewed and found deficient, or has approval pending, the CNE coordinator shall submit all materials required by this regulation before the date of offering. If the application does not meet requirements before the offering deadline, the application shall be considered abandoned. There shall be no retroactive approval of single offerings.

(k) (1) Each approved long-term provider shall pay a fee for the upcoming year and submit an annual report for the period of July 1 through June 30 of the previous year on or before the deadline designated by the board. The annual report shall contain the following:

(A) An evaluation of all the components of the providership based on the total program evaluation plan;

(B) a statistical summary report; and

(C) for each of the first two years of the providership, a copy of the records for one offering as specified in paragraphs (h)(1)(A) through (H).

(2) If approved for the first time after January 1, a new long-term provider shall submit only the statistical summary report and shall not be required to submit the annual fee or evaluation based on the total program evaluation plan.

(l) (1) If the long-term provider does not renew the providership, the provider shall notify the board in writing of the location at which the offering records will be accessible to the board for two years.

(2) If a provider does not continue to meet the criteria for current approval established by regulation or if there is a material misrepresentation of any fact with the information submitted to the board by an approved provider, approval may be withdrawn or conditions relating to the providership may be applied by the board after giving the approved provider notice and an opportunity to be heard. ~~These proceedings shall be conducted in accordance with provisions of the Kansas administrative procedures act.~~

(3) Any approved provider that has voluntarily relinquished the providership or has had the providership withdrawn by the board may reapply as a long-term provider. The application shall be submitted on forms

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supplied by the board and accompanied by the designated, nonrefundable fee as specified in K.A.R. 60-4-103(a)(3). (Authorized by and implementing K.S.A. ~~2007~~ 2011 Supp. 65-1117 and K.S.A. 65-1119; effective March 9, 1992; amended Sept. 27, 1993; amended April 3, 1998; amended Oct. 25, 2002; amended March 6, 2009; amended P-_____.)

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60-12-106. License renewal. (a) Each licensee shall submit a renewal application and the renewal fee required under specified in K.A.R. 60-8-101 no later than the last day of December 31 in each even-numbered year.

(b) ~~Each~~ Any licensed mental health technician shall may be required to submit proof of completion of 30 contact hours during the most recent prior licensing period. Contact hours accumulated in excess of the 30-hour requirement shall not be carried over to the next license renewal period. This proof of completion shall be documented as specified on the renewal notice and shall include the following follows:

- (1) (A) Name of the ~~CNE~~ continuing mental health technician education (CMHTE) offering or college course;
- (2) (B) provider name or name of the accrediting organization;
- (3) (C) provider number or number of the accrediting organization, if applicable;
- (4) (D) offering date; and
- (5) (E) number of contact hours; or
- (2) approved IOA.

(c) Any individual attending an offering not previously approved by the board may submit an application for an individual offering approval (IOA). Credit may be given for offerings that the licensee demonstrates to be relevant to the licensee's practice of mental health technology. Each separate offering shall be approved before the licensee submits the license renewal application.

(d) Approval shall not be granted for identical offerings completed within a license renewal period.


(e) Any licensed mental health technician may acquire 30 contact hours of ~~continuing mental health technician education (CMHTE)~~ from independent study, as defined in K.S.A. 65-4202 and amendments thereto.

(f) Any licensed mental health technician may accumulate 15 contact hours of the required CMHTE from instructor credit. Each presenter shall receive instructor credit only once for preparation and presentation of each course. The provider shall issue a certificate listing the number of contact hours earned and clearly identifying the hours as instructor credit.

(g) Fractions of contact hours may be accepted for offerings over ~~one contact hour~~ 30 minutes to be computed towards a contact hour. (Authorized by K.S.A. 2000 Supp. 65-4203; implementing K.S.A. 2000 2011 Supp. 65-4205; effective Sept. 2, 1991; amended Feb. 16, 1996; amended Oct. 12, 2001; amended P-_____.)

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60-16-102. Scope of practice for licensed practical nurse performing intravenous fluid therapy. (a) A licensed practical nurse under the supervision of a registered professional nurse may engage in a limited scope of intravenous fluid treatment, including the following:

- (1) Monitoring;
- (2) maintaining basic fluids;
- (3) discontinuing intravenous flow and an intravenous access device not exceeding three inches in length in peripheral sites only; and
- (4) changing dressings for intravenous access devices not exceeding three inches in length in peripheral sites only.

(b) Any licensed practical nurse who has met one of the requirements under K.S.A. 65-1136, and amendments thereto, may perform, in addition to the functions specified in subsection (a) of this regulation, the following procedures relating to the expanded administration of intravenous fluid therapy under the supervision of a registered professional nurse:

- (1) Calculating;
- (2) adding parenteral solutions to existing patent central and peripheral intravenous access devices or administration sets;
- (3) changing administration sets;
- (4) inserting intravenous access devices that meet these conditions:
 - (A) Do not exceed three inches in length; and
 - (B) are located in peripheral sites only;
- (5) adding designated premixed medications to existing patent central and peripheral intravenous access devices or administration sets either by continuous or intermittent methods, excluding the initial dosage of medications or solutions;
- (6) maintaining the patency of central and peripheral intravenous access devices and administration sets

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with medications or solutions as allowed by policy of the facility;

(7) changing dressings for central venous access devices;

(8) administering continuous intravenous drip analgesics and antibiotics; and

(9) performing the following procedures in any facility having continuous on-site registered professional nurse supervision:

(A) Admixing intravenous medications; and

(B) administering by direct intravenous push any drug in a drug category that is not specifically listed as a banned drug category in subsection (c), including analgesics, antibiotics, antiemetics, diuretics, and corticosteroids, as allowed by policy of the facility.

(c) A licensed practical nurse shall not perform any of the following:

(1) Administer any of the following by intravenous route:

(A) Blood and blood products, including albumin;

(B) investigational medications;

(C) anesthetics, antianxiety agents, biological therapy, serums, hemostatics, immunosuppressants, muscle relaxants, human plasma fractions, oxytocics, sedatives, tocolytics, thrombolytics, anticonvulsants, cardiovascular preparations, antineoplastics agents, hematopoietics, autonomic drugs, and respiratory stimulants;

(D) intravenous fluid therapy in the home health setting, with the exception of the approved scope of practice authorized in subsection (a); or

(E) intravenous fluid therapy to any patient under the age of 12 or any patient weighing less than 80 pounds, with the exception of the approved scope of practice authorized in subsection (a);

(2) initiate total parenteral nutrition or lipids;

(3) titrate medications;

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(4) draw blood from a central intravenous access device;

(5) remove a central intravenous access device or any intravenous access device exceeding three inches in length; or

(6) access implantable ports for any purpose.

(d) Licensed practical nurses qualified by the board before June 1, 2000 may perform those activities listed in subsection (a) and paragraph (b)(9)(A) regardless of their intravenous therapy course content on admixing.

(e) This regulation shall limit the scope of practice for each licensed practical nurse only with respect to intravenous fluid therapy and shall not restrict a licensed practical nurse's authority to care for patients receiving this therapy. (Authorized by and implementing K.S.A. 65-1136; effective Nov. 21, 1994; amended Dec. 13, 1996; amended June 12, 1998; amended Oct. 29, 1999; amended Jan. 24, 2003; amended May 18, 2012; amended P-_____.)

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